

STATE OF INDIANA)
)
COUNTY OF LAKE)

SS:

IN THE LAKE CIRCUIT COURT

CAUSE NO. 45C01-0608-PL-00305

STATE OF INDIANA,)

Plaintiff,)

v.)

RACHEL B. MOYE HEADD and)
DONYELL T. SHIELDS,)

Defendants.)

Filed in Open Court

SEP 20 2006

Thomas R. Philcox
CLERK LAKE CIRCUIT COURT

DEFAULT JUDGMENT

The Plaintiff, State of Indiana, having filed its Motion for Default Judgment and the Court having read the same and being duly advised in the premises, now finds:

1. The Court has subject matter jurisdiction and personal jurisdiction over the Defendants, Rachel B. Moye Headd and Donyell T. Shields.

2. The Defendants were served with notice of these proceedings and a copy of the Plaintiff's Complaint for Injunction, Restitution, Costs, and Civil Penalties.

3. The Defendants have failed to appear, plead, or otherwise respond to the complaint.

4. The Defendants, Rachel B. Moye Headd and Donyell T. Shields, are not known to be infants, incompetent, or in military service.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Default Judgment is **GRANTED** in favor of the Plaintiff, State of Indiana, and against the Defendants, Rachel B. Moye Headd and Donyell T. Shields.

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CLERK LAKE CIRCUIT COURT

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that pursuant to Indiana Code § 24-5-0.5-4(c)(1), the Defendants, Rachel B. Moye Headd and Donyell T. Shields, their agents, representatives, employees, successors and assigns are permanently enjoined from engaging in the following:

- a. representing, expressly or by implication, the subject of a consumer transaction has sponsorship, approval, characteristics, accessories, uses, or benefits it does not have, which the Defendants know or reasonably should know it does not have;
- b. representing, expressly or by implication, the subject of a consumer transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations, if the representation is false and the Defendants know or reasonably should know the representation is false;
- c. representing, expressly or by implication, the Defendants are able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when the Defendants know or reasonably should know they cannot; and
- d. representing expressly or by implication the consumer will be able to purchase the subject of a consumer transaction as advertised by the Defendants, when the Defendants do not intend to sell it.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that judgment is entered for the Plaintiff, State of Indiana, and against the Defendants, Rachel B. Moye Headd and Donyell T. Shields, as follows:

- a. The contracts previously entered into by the Defendants with consumers, Shawn M. Chambers-Galis, Katherine Biggens, Marsha Bercuson, Raimonda Smith, and Stacye J. Johnson, are cancelled pursuant to Ind. Code § 24-5-0.5-4(d);
- b. The Defendants shall pay consumer restitution, pursuant to Ind. Code § 24-5-0.5-4(c)(2), in the total amount of Three Hundred Ninety-Six Dollars and Ninety-Eight Cents (\$396.98), payable to the Office of the Attorney General, for allocation and distribution to the following consumers in the following amounts:
- | | |
|--|------------------|
| 1. Shawn Chambers-Galis of Mount Joy, Pennsylvania | \$ 94.99; |
| 2. Katherine Biggens of Tampa, Florida | \$ 67.00; |
| 3. Marsha Bercuson of Rancho Bernardo, California | \$ 80.25; |
| 4. Raimonda Smith of Chicago, Illinois | \$ 94.99; and |
| 5. Stacye J. Johnson of Hornbeak, Tennessee | <u>\$ 59.75.</u> |
| TOTAL | \$ 396.98 |
- c. The Defendants shall pay the Office of the Attorney General its costs in investigating and prosecuting this action, pursuant to Ind. Code § 24-5-0.5-4(c)(3), in the amount of Four Hundred and Five Dollars (\$405.00).
- d. The Defendants shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-4(g) for the Defendants' knowing violations of the Deceptive Consumer Sales Act, in the amount of Twenty-Five Thousand Dollars (\$25,000.00), payable to the State of Indiana.
- e. The Defendants shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-8 for the Defendants' intentional violations of the Deceptive Consumer Sales Act, in the amount of Two Thousand Five Dollars (\$2,500.00), payable to the State of Indiana.

**A total monetary judgment in the amount of Twenty-Eight Thousand Three
Hundred One Dollars and Ninety-Eight Cents (\$28,301.98) shall therefore be
entered in favor of the Plaintiff, State of Indiana, and against the Defendants,
Rachel B. Moye Headd and Donyell T. Shields.**

ALL ORDERED, ADJUDGED AND DECREED on this 20 day of
September, 2006.

Zany M J Brumfield
Judge, Lake Circuit Court

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